Remarks/Arguments:

Claims 1, 3-8, 10 and 12-29 are pending and stand rejected.

By this amendment, claims 8, 13-23, 25 and 27 are amended, new claim 30 is added, and claims 1, 3-7, 10, 12 and 28-29 are cancelled without prejudice.

No new matter is added by the claim amendments and new claim. Support for the claim amendment and new claim can be found throughout the original specification and, for example, in the original specification at pages 17-22 and the paragraphs spanning pages 35 and 36.

Claim Objections

In the Office Action, at item 1, claim 8 is objected to for informalities therein.

Claim 8 has been amended to overcome this objection.

Reconsideration is respectfully requested.

Rejection of Claims 1, 8 and 29 under 35 U.S.C. § 101

In the Office Action, at item 2, claims 1, 8 and 29 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Reconsideration is respectfully requested.

Claims 1 and 29 have been cancelled without prejudice.

Accordingly, the rejection of these claims is now moot.

Claim 8

Claim 8 has been amended to recite "the mail storer ... storing said received mail ..." Applicants submit that the mail storer is a memory and, thus, hardware. Applicants further submit that as such, claim 8 now recites an implementation using more than software.

Accordingly, it is submitted that claim 8 overcomes the rejection under 35 U.S.C. § 101.

Rejection of Claims 1, 3-8, 10 and 12-29 under 35 U.S.C. § 112, Second Paragraph

In the Office Action, at item 4, claims 1, 3-8, 10 and 12-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Reconsideration is respectfully requested.

Claims 1, 3-7, 10, 12 and 28-29 have been cancelled without prejudice. Accordingly, the rejection of these claims is now moot.

In the Office Action, at page 4, the Examiner appears to contend that the "means for" elements in these claims do not have a corresponding structure disclosed in the specification.

Claims 8 and 13-27 have been amended to remove the "means for" elements. Applicants submit that the rejection under 35 U.S.C. § 112, second paragraph, is overcome.

Rejection of Claims 1, 3-8, 10, 12-25 and 28-29 Under 35 U.S.C. § 102 (e)

In the Office Action, at item 5, claims 1, 3-8, 10, 12-25 and 28-29 are rejected under 35 U.S.C. § 102(e) as anticipated by Hammond (U.S. Patent No. 6,854,007).

Reconsideration is respectfully requested.

Claims 1, 3-7, 10, 12 and 28-29 have been cancelled without prejudice. Accordingly, the rejection of these claims is now moot.

Claim 8

Claim 8 is directed to a mail delivery device for use with a system including the Internet for delivering mail, the mail delivery device connected to the Internet for creating mail arrival notice to notify terminals of the arrival of said mail, a public

network, connected to said mail delivery device, for relaying said mail arrival notice, and terminals, connected to said public network, for receiving said mail arrival notice, and recites:

> ... <u>said mail arrival noticer, when receiving second mail
> for the same transmission destination as the
> transmission destination of first mail</u> received previously
> by said mail receiver, <u>temporarily stops transmission of
> a retransmission request for said first mail</u> ...,

(brackets added). That is, when the mail arrival noticer receives second mail for the <u>same transmission destination</u> as the transmission destination of the first mail, the mail arrival noticer takes an action for processing the first mail (i.e., temporarily stops transmission of a retransmission request for the first mail).

Hammond Reference

Hammond discloses a system for enhancing the reliability of communicating with electronic messages. The Hammond system tracks whether each message has been delivered to each recipient, and uses the message delivery information to resend the messages whose delivery and review was not confirmed. (See Abstract of Hammond.) Hammond further discloses a message tracking table 127 that contains entries for e-mail electronic messages that are read by recipients. Each recipient of an e-mail message can have unique message tracking information. In addition, entries are removed from the message tracking table after all specified actions have been performed. (See Hammond at col. 6, lines 58-65.) Further, Hammond discloses with respect to FIGS. 5A and 5B that the message tracking table processor routine periodically processes the entries in the message tracking table, and determines for each entry if any specified time period have expired. (See Hammond at col. 10, lines 50-53.) However, if all activities are completed for an entry, the routine continues at step 539 to remove the entry from the message tracking table. If it is instead determined in step 537 that there may be additional activities, the routine instead continues in step 538. This processing is done on an entry-by-entry basis. That is, in Hammond, the routine continues at step 550 to select the next entry in the message tracking table. (See Hammond at col. 11, lines 31-47.) Hammond, however, is silent regarding the use of information in one entry (related

to the second mail) in the message tracking table to take an action to process another entry (related to the first mail) in the message tracking table. That is, Hammond does not disclose or suggest "said mail arrival noticer, when receiving second mail for the same transmission destination as the transmission destination of first mail received previously by said mail receiver, temporarily stops transmission of a retransmission request for said first mail ...," as required by claim 8. This is because, entries in Hammond are individually processed.

Accordingly, claim 8 is submitted to patentably distinguish over Hammond for at least the above-mentioned reasons.

Claims 13-25

Claims 13-25, which includes all of the limitations of claim 8, are submitted to patentably distinguish over Hammond for at least the same reasons regarding claim 8.

Rejection of Claims 26 and 27 Under 35 U.S.C. § 103(a)

In the Office Action, at item 7, claims 26 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond in view of Telecommunications Research Associates (a Publication entitled "Understanding the Basics of Wireless Communications").

Reconsideration is respectfully requested.

Claims 26 and 27, which includes all of the limitations of claim 8, are submitted to patentably distinguish over Hammond for at least the same reasons as those regarding claim 8.

The addition of Telecommunications Research Associates does not overcome the deficiencies of Hammond. This is because, Telecommunications Research Associates does not disclose or suggest "said mail arrival noticer, when receiving second mail for the same transmission destination as the transmission destination of first mail received previously by said mail receiver, temporarily stops transmission of a retransmission request for said first mail ...," as required by claim 8. This is

because, Telecommunication Research Associates is silent regarding first and second mail and, furthermore, temporarily stopping of transmission of a retransmission quest for the first mail.

Accordingly, it is submitted that claims 26 and 27, which includes all of the limitations of claim 8, patentably distinguish over Hammond in view of Telecommunications Research Associates for at least similar reasons as those regarding claim 8.

New Claim 30

New claim 30, which includes all of the limitations of claim 8, is submitted to patentably distinguish over the cited art for at least the same reasons as those regarding claim 8.

New claim 30 includes a patentable distinction beyond those of claim 8, namely:

> in the case where said terminals output a request to obtain mail text without containing the terminal capabilities of said terminals and notice conditions after receiving said mail arrival notice, the mail transmitter, in response to the mail text acquisition request, obtains mail from the mail storer, obtains information of the terminal from the user data storer, and converts mail contents according to information thereof.
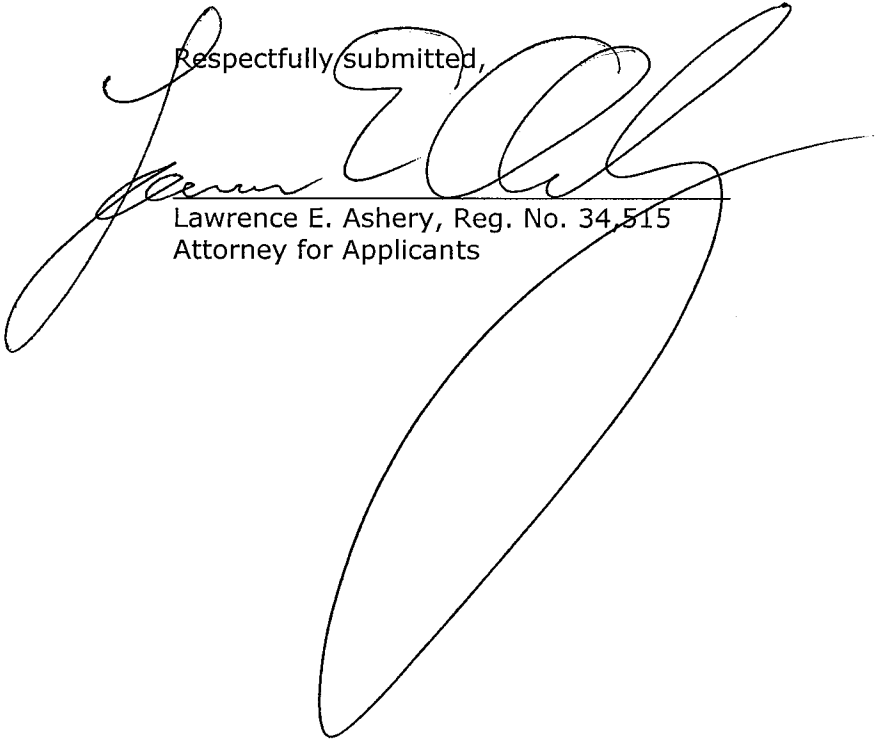
Conclusion

In view of the claim amendments, new claim and remarks, Applicants submit the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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